

The Use of This Form is Required Under the Provisions of the Tort Claims Rules

(Plaintiff)

(Address)

v.

(Defendant)

APPLICATION

FOR

REVIEW

THE UNDERSIGNED HEREBY GIVES NOTICE OF APPEAL AND APPLICATION FOR REVIEW in the above case to the North Carolina Industrial Commission, sitting as the Full Commission. Error is alleged as follows:

1. _____

2. _____

3. _____

4. _____

5. _____

(If additional space is needed, attach another page)

All grounds for appeal not specifically set forth herein are hereby waived and abandoned except as otherwise provided by law and the rules of the Industrial Commission. The undersigned hereby certifies that a copy of this document has been served on opposing party or parties.

Date of this Application: _____

By: _____

SEE NEXT PAGE FOR INSTRUCTIONS FOR FILING FORM

INSTRUCTIONS

THREE signed copies of Form T44 must be sent to the Commission and one copy to the opposing parties or their counsel. If a brief is filed, the Commission must be furnished three copies and a copy must be sent to the appellee. Time for filing of a brief and Form T44 is set out in the rules appearing below:

ARTICLE III. APPEALS TO FULL COMMISSION **(Effective date: 1 January 1989)**

RULE T203. ENLARGEMENT OF TIME. A Commissioner, acting on behalf of the Full Commission, may upon the motion of a party or upon his own motion, enlarge the time within which an action must be taken or a document filed pursuant to this Article. An enlargement of time may be granted either before or after the relevant time requirement has elapsed.

RULE T301. NOTICE OF APPEAL. A letter or other document expressing a wish to appeal, which clearly sets forth the decision and order from which appeal is taken, shall be considered notice of appeal to the Full Commission within the meaning of N.C.G.S. 143-292. Such notice shall include a written statement of service of a copy of the notice by mail or in person on the opposing party or parties.

RULE T302. TRANSCRIPTS. Upon receipt of appeal, the Industrial Commission, after taxing appropriate costs, will prepare and supply to all parties a transcript of the record upon which is based the decision from which appeal is being taken to the Full Commission.

RULE T303. ASSIGNMENTS OF ERROR. The appellant shall, within twenty-five (25) days of receipt of the transcript of the record, or receipt of notice that there will be no transcript of the record, file with the Industrial Commission, in triplicate, a written statement of the particular grounds for the appeal. Such statement shall, in writing, certify service of a copy by mail or in person upon the opposing party or parties. Particular grounds for appeal not set forth will be deemed to be abandoned and argument thereon will not be heard before the Full Commission. The grounds must be stated in particularity, including the specific errors allegedly committed by the hearing Commissioner or Deputy Commissioner and the pages in the transcript on which the alleged errors are recorded.

RULE T304. DISMISSAL OF APPEAL. Failure to file any assignments of error may result in the dismissal of the appeal either upon the motion of the non-appealing party or upon the Full Commission's own motion.

RULE T305. BRIEFS. (1) Appellant's brief shall be filed with the Industrial Commission in triplicate no later than twenty-five (25) days after receipt of the transcript of the record or receipt of notice that there will be no transcript of the record.

- (2) Thereafter, appellee's brief shall be filed with the Industrial Commission in triplicate no later than twenty-five (25) days after receipt of the appellant's brief. If appellant files no brief, appellee shall file his brief within twenty-five (25) days after appellant's time for filing brief has expired.
- (3) When a party to an appeal has not filed a brief, he will not be allowed oral argument before the Full Commission.
- (4) Each brief filed pursuant to this Rule shall be accompanied by a written certification that the brief has been served by mail or in person upon the opposing party or parties.

RULE T306. MOTION FOR NEW HEARING. A motion for a new hearing must be filed in writing and supported by Affidavit. Such motions filed during the pendency of an appeal to the Full Commission shall be argued before the Full Commission at the time of the hearing of the appeal.

RULE T307. MOTIONS. During the pendency of an appeal to the Full Commission, any motion by either party shall be filed in triplicate with the Industrial Commission, and shall certify, in writing that it has been served by mail or in person upon the opposing party or parties.

RULE T308. STAYS. When a case is appealed to the Full Commission or to the Court of Appeals, all Orders or Decisions and Orders of a Deputy Commissioner or the Full Commission are stayed pending appeal.

RULE T309. NEW EVIDENCE. No new evidence will be presented to, or heard by, the Full Commission.

RULE T310. WAIVER OF ORAL ARGUMENT. The parties, or either of them, with permission of the Full Commission, may waive oral argument before the Full Commission. The Full Commission may in its discretion order that all oral argument in a particular case will be waived. In the event that oral argument is waived by the parties, or either of them, or by order of the Full Commission, a decision, based on the record, assignments of error, and briefs, if any, will be given by the Full Commission.